

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

CYNTHIA ALEXANDER

PLAINTIFF

v.

CIVIL ACTION NO. 3:24-cv-740-CWR-ASH

**ADHEREHEALTH SOLUTIONS, LLC
F/K/A PHARMD (sic) SOLUTIONS, LLC;
ADHEREHEALTH LLC; AND PATRICK
MCNULTY, INDIVIDUALLY**

DEFENDANTS

DEFENDANT PATRICK MCNULTY'S MOTION TO DISMISS

Defendant Patrick McNulty (“Defendant” or “McNulty”), respectfully moves this Court, pursuant to Rules 12(b)(2), (5) and (6) of the Federal Rules of Civil Procedure, to dismiss Plaintiff Cynthia Alexander’s (“Plaintiff”) claims against him in their entirety.

Plaintiff brings claims against McNulty pursuant to Title VII of the Civil Rights Act of 1964 (“Title VII”) and the Age Discrimination in Employment Act (“ADEA”), as well as under Mississippi common law for breach of contract, conversion, tortious interference with employment, defamation, and the tort of outrage/intentional infliction of emotional distress. However, McNulty does not reside in Mississippi and the Court lacks personal jurisdiction over him. Exercise of the Court’s jurisdiction does not comport with the due process clause of the Fourteenth Amendment to the federal Constitution because McNulty does not have the necessary minimum contacts with Mississippi to give rise to either specific or general jurisdiction. With regard to the specific jurisdiction analysis, McNulty did not direct any activities at Mississippi that resulted in Plaintiff’s alleged injuries. McNulty resides in Tennessee. He is the Chief Financial Officer of Defendant AdhereHealth Solutions, LLC (“AHS”), and held the same position with Plaintiff’s former

employer, AdhereHealth, Inc.¹ AHS's principal place of business is in Tennessee. Plaintiff was employed by AdhereHealth, Inc. in Tennessee as its Chief Adherence Officer. Any activities McNulty directed toward Plaintiff and her employment, including her pay, occurred in Tennessee. To the extent Plaintiff's claims against McNulty are based on a lawsuit that AHS filed against her, that lawsuit was filed in Tennessee. Additionally, McNulty does not have extensive contacts with Mississippi to establish the Court's general jurisdiction. Because this Court does not have personal jurisdiction over McNulty, service of process on him was insufficient. Accordingly, the claims against McNulty should be dismissed in their entirety. Additionally, Plaintiff cannot state a claim against McNulty under Title VII or the ADEA because there is no individual liability under those statutes.

For these reasons, and as fully explained in McNulty's memorandum in support of this Motion, this Court lacks personal jurisdiction over McNulty and service of process was insufficient, therefore, Plaintiff's claims against him should be dismissed in their entirety. Further, Plaintiff has failed to state plausible claims for relief against McNulty under Title VII or the ADEA, and those claims should be dismissed as a matter of law for that reason as well.

In support of this Motion, McNulty relies on Plaintiff's Complaint, the Summons served on McNulty, and the Verified Complaint AHS filed against Plaintiff, attached hereto as Exhibit 1 (*AdhereHealth Solutions, LLC v. Cynthia Alexander*, Chancery Court of Tennessee, Twenty-First Judicial District, Case No. 24CV-53361, Verified Complaint for Injunctive Relief and Damages).

¹ As discussed in Defendant McNulty's Memorandum in Support of this motion, AdhereHealth, Inc. is an entity separate from AHS, which is currently in dissolution.

WHEREFORE, Defendant Patrick McNulty respectfully requests the Court enter an Order dismissing all of Plaintiff's claims against him, and that the Title VII and ADA claims be dismissed with prejudice.

Respectfully submitted,

/s/ Matthew G. Gallagher

Matthew G. Gallagher (MS Bar No. 103159)
Littler Mendelson, P.C.
One Commerce Square
40 S. Main Street, Suite 2500
Memphis, TN 38103
Telephone: 901.795.6695
Facsimile: 901.881.4333
Email: mgallagher@littler.com

Attorneys for Defendant Patrick McNulty

CERTIFICATE OF SERVICE

The undersigned certifies that a true and exact copy of the foregoing document has been filed with the Court through the Court's Electronic Case Filing System, through which service was made this 11th day of December, 2024, upon the following:

Louis H. Watson, Jr. (MSB# 9053)
Nick Norris (MSB# 101574)
Jane A. Watson (MSB# 106877)
WATSON & NORRIS, PLLC
4209 Lakeland Drive # 365
Flowood, MS 39232-9212
Phone: (601) 968-0000
Facsimile: (601) 968-0010

Attorneys for Plaintiff

/s/ Matthew G. Gallagher